

STATE OF MICHIGAN  
IN THE CIRCUIT COURT FOR THE COUNTY OF MACOMB

BONNIE BAIR,

Plaintiff,

vs.

Case No. 2005-0081-NH

NASRIN M. GHAHRAMANI, D.D.S. and  
NASRIN M. GHAHRAMANI, D.D.S., P.C.,

Defendants.

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OPINION AND ORDER

Defendants Nasrin M. Ghahramani, D.D.S. and Nasrin M. Ghahramani, D.D.S., P.C.  
move for summary disposition under MCR 2.116(C)(4), (5), (7) and (8).

I

Plaintiff Bonnie Bair filed this action on January 6, 2005 asserting she sought dental treatment from defendants on January 20, 2004. Plaintiff avers defendants extracted three of her teeth in a procedure that exceeded three and one-half hours, during which time her jaw and temporomandibular joint ("TMJ") were iatrogenically forced downward and backward. When she informed defendants of her pain, plaintiff contends defendants stated there was nothing to worry about. However, she claims defendants' treatment has caused pain in her neck, back, shoulder, facial and head areas and muscles; constant headaches, neckaches and backaches; limited and deviated mouth opening; earaches and a changed bite.

Plaintiff states she returned to defendants' office on January 26, 2006 and complained of her various symptoms. She asserts defendants said the symptoms were to be expected and did



nothing to correct them.

Accordingly, plaintiff's complaint alleges Malpractice.

Defendants now move to strike plaintiff's affidavits of merit and for summary disposition.

## II

Plaintiff's corrected Affidavit of Merit is accompanied by a certification that confirms "a notary public commission in the name of Courtney Nowlin" but warns it "does NOT certify the correctness or authenticity of any notarization, notarized document, or notarized act by" Nowlin. (Emphasis original.) Hence, the most recent certification is not in compliance with MCL 600.2102(4).

The clerical oversight alleged by plaintiff pertaining to the Affidavit of Merit dated June 23, 2005, wherein the wrong page was stapled by office personnel to the cover page containing this case's caption, convinces the Court that leave to amend the same should be granted. To the extent the deficiency presented by the second of the three affidavits submitted stems *not* from the certification itself, but from the wrong page containing different facts/allegations not germane to this litigation being inadvertently attached, the Court will permit the proper page incorporating the relevant facts to be substituted, subject to the prior submission of an affidavit by the individual attesting to the omission and the error committed.<sup>1</sup>

The Affidavit of Merit dated June 23, 2005, being first in time in relation to the third Affidavit of Merit dated April 17, 2006, shall thereafter be deemed to control in this action.

## III

Based on the foregoing, it is hereby

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<sup>1</sup> Inasmuch as Defendants were put on notice of the actual factual basis for the malpractice claim, the facts as originally alleged by Plaintiff remain the same, thereby demonstrating no prejudice.

ORDERED defendants Nasrin M. Ghahramani, D.D.S. and Nasrin M. Ghahramani, D.D.S., P.C.'s motion for summary disposition is DENIED WITHOUT PREJUDICE. Plaintiff is given 14 days to comply with the terms and conditions of this Opinion and Order.

This Opinion and Order neither resolves the last pending claim nor closes the case. MCR 2.602(A)(3).

SO ORDERED.

DATED:

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Peter J. Maceroni,  
Circuit Judge

cc: Dora Brantley  
Robert Gittleman

**PETER J. MACERONI**  
CIRCUIT JUDGE

AUG - 9 2006

**A TRUE COPY**  
CARMELLA SABAUGH, COUNTY CLERK

BY: *Carmella Sabaugh* Court Clerk